



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Text

File #: O2018-6038, **Version:** 1

COMMERCIAL VACATION ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6 (a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the properties at 3839-3843 N. Clark Street, Chicago, Illinois, are owned by Clark Apartments LLC ("Developer"); and

WHEREAS, the Developer proposes to use the portion of the alley to be vacated herein for access for a new mixed use development to be constructed on the adjacent lots; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of that portion of the public alley, described in this ordinance; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1.

VACATION:

THAT PART OF THE EAST-WEST 8.0 FOOT WIDE PUBLIC ALLEY LYING NORTH AND ADJOINING TO THE MOST NORTHERN LINES OF LOTS 22 AND 21, ALL INCLUSIVE, IN THE SUBDIVISION OF BLOCK 1 OF EDSON'S SUBDIVISION IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 11, 1903 AS DOCUMENT NUMBER 3388947; LYING EAST OF AND ADJOINING THE EAST RIGHT OF WAY LINE OF N. CLARK STREET; AND LYING WEST OF AND ADJOINING A LINE PERPENDICULAR TO SAID NORTHERN LINES OF LOTS 22 AND 21 BEGINNING AT THE MOST NORTHEASTERLY CORNER OF SAID LOT 21 THEN NORTH FOR A DISTANCE OF 8.0 FEET, ALL IN COOK COUNTY, ILLINOIS, SAID ABOVE DESCRIBED PARCEL CONTAINING 939.0 SQUARE FEET, OR 0.022 ACRES, MORE OR LESS as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as Exhibit A, which plat for greater clarity, is hereby made a part of this ordinance, be and the same is hereby vacated and

closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

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SECTION 2. The City of Chicago hereby reserves for the benefit of AT&T/SBC, its successors or assigns, a non-exclusive utility easement to operate, maintain, construct, replace and renew overhead wires, poles, and associated equipment and underground conduit, cables, and associated equipment for the transmission and distribution of electrical energy, telephonic and associated services under, over and along the alley herein vacated, with the right of ingress and egress. The grade of the vacated public way shall not be altered in a manner so as to interfere with the operation and maintenance of AT&T/SBC facilities. No construction, buildings, permanent structures or obstructions shall occur or be placed over the area herein vacated without express written release of easement by AT&T/SBC. Any future Developer-prompted relocation of facilities lying within the area being vacated will be accomplished by the involved utility, and be done at the expense of the beneficiary of the vacation, its successors or assigns.

SECTION 3. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, the Developer shall pay or cause to be paid to the City of Chicago as compensation for the benefits which will accrue to the owner of the property abutting said part of public alley hereby vacated the sum

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which sum in the judgment &f this body will be equal to such benefits.

SECTION 4. The vacation herein provided for is made upon the express condition that within one hundred eighty (180) days after the passage of this ordinance, the Developer shall file or cause to be filed for recordation with the Office of the Recorder of Deeds of Cook County, Illinois a certified copy of this ordinance, together with the associated full sized plat as approved by the Acting Superintendent of Maps and Plats.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and approval. The vacation shall take effect and be in force from and after recording of the approved ordinance and plat.

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Vacation Approved:

Regekan Scheinfeld Commissioner of Transportation

Approved as to Form and Legality

Lisa Misher

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Deputy / .Corporation Counsel

EXHIBIT "A"
PLAt OF VACATION
of

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1111)7 W. WAVELAND AVE CHICAGO 11. 1,01)1:)

Dear Mr. Siskel:

Pursuant to a request from Mr. Robert Mangan, we are transmitting herewith for your review and approval as to form and legality an original and three (3) copies of a proposed vacation the westernmost E-W public alley in the block bounded by N. Clark Street, W. Grace Street, W. Irving Park Road and N. Racine Avenue. This property is located in the 44th Ward.

Clark Apartments, LLC is the owner of record to the property adjoining the public alley to be vacated. The people to contact in connection with this proposed ordinance are Ms. Sarah Barnes at 312-782-1983 and Mr. Robert Mangan at 773-883-1200.

Section 2 of the ordinance reserves an easement on the alley for AT&T/SBC. All other underground utility agencies are either not involved or have made suitable arrangements. Section 3 requires compensation to the City for the land being conveyed. Sections 4 and 5 are standard language regarding the ordinance.

Commissioner

Originated by:

Luann Hamilton Deputy Commissioner

RS: LH: RD

cc: Alderman Tunney (44)

Alderman Anthony Beale

CITY COUNCIL

City of Chicago

COUNCIL CHAMBER

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committee memberships

Transportation & Public Way (Chairman)

Budget and Government Operations

Committees, Rules and Ethics

Education and Child Development

Finance

Public Safety

ANTHONY A. BEALE

Alderman, 9th Ward 34 East 1 12th Place Chicago, Illinois 60628 Telephone (773) 785-1100 Fax: (773) 785-2790 e-mail: ward09@cityofchicago.org <mailto:ward09@cityofchicago.org>

To the President and Members of the City Council:

Your Committee on Transportation and Public Way begs leave to report and recommend that Your Honorable Body pass the proposed ordinance transmitted herewith for a VACATIONS to CLARK APARTMENTS, LLC - 02018-6038 A proposed vacation of the westernmost east-west alley in the block bounded by North Clark Street, West Grace Street, West Irving Park Road and North Racine Avenue. This ordinance was referred to Committee on July 25, 2018.

This recommendation was concurred unanimously by viva voce vote of the members of the Committee with no dissenting vote.

(Ward 44)

Anthony Beale, Chairman

Respectfully submitted,